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January 27, 2006

## VIA EMAIL AND HAND DELIVERY

The Honorable Kent A. Jordan United States District Court 844 King Street Wilmington, DE 19801

Re: Ampex Corporation v. Eastman Kodak Company, et al.

C. A. No. 04-1373 KAJ

Dear Judge Jordan:

Eastman Kodak Company submits this letter to the Court to report on the issue of the production of Kodak licenses that was addressed during the parties' joint discovery telephone conference on January 12, 2006. As you will recall, Kodak has taken the position that, in the absence of a Court Order, it needs permission from its licensing partners before producing licenses responsive to Ampex's document request because of confidentiality provisions in the licenses themselves. At the January 12 teleconference, Your Honor directed that Kodak again contact its partners and inform them that if permission was not granted by any particular entities by January 27 (today), then the Court would issue an Order compelling Kodak to produce the licenses relating to those particular entities.

At the time of the January 12 teleconference, there were 22 licensing partners from which Kodak had been seeking permision, but in which permission had not yet been granted. In the interim two weeks, significant progress has been made in obtaining permissions and producing licenses, and there are presently only 4 entities remaining who have not granted permission. These entities are:

Ability Enterprise Co., Ltd. Asia Optical Company Alfred B. Levine Skanhex Technology Inc.

Three of these entities (with the exception of Alfred B. Levine) have asked for additional time to consider whether to grant permission (these companies are each based in Asia). Kodak thus requests that it be granted an additional 10 days (until February 6) to attempt to secure

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permissions from these remaining four entities. Ampex does not oppose this request. Ampex has indicated that it is willing to give the parties concerned an additional 10 days to reach agreement, but would like an Order requiring Defendants to produce the remaining documents absent agreement by then. Kodak does not believe an Order is necessary.

Respectfully submitted,

PAUL M. LUKOFF

## PML/mhl

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